

Application Serial No. 10/820,555
Reply to Office Action of April 20, 2007

PATENT
Docket: 36100.00.0003:
CU-4420

REMARKS

As set forth above, a Restriction Requirement was mailed on April 20, 2007, which required an election to prosecute either claims 1-28, which are drawn to a method of simulating a train and track, or claims 29-31, which are drawn to an apparatus or system for displaying the operation of a train along an actual track route.

As stated above, the applicant elects to prosecute claims 1-28 but reserves the right to prosecute claims 29-31 in a divisional application.

Claims 29-31 are withdrawn.

The Restriction Requirement that was mailed on April 20, 2007, also required the applicant to elect one of two ostensible species identified on page 3 of the office action.

In response to the species election requirement, the undersigned representative for the applicant spoke with Examiner Ronnie Mancho by telephone on May 9, 2007. The species election raised in the office action was discussed.

During the telephone conference of May 9th, the Examiner stated that the species election was required because in his opinion, claims 8 and 9 were directed to different inventions. The Examiner said that if claims 8 and 9 were somehow combined, the species election requirement would be withdrawn. The ability to make such an amendment, however, was conditioned on there being some support or teaching in the specification that would support the two claims being combined.

By this amendment, claim 8 has been amended to include the limitations of claim 9. Claim 9 has been cancelled.

Support for the amendment to claim 8 can be found in paragraph 0032. No new matter has been added.

During the above-identified teleconference with the Examiner, it was pointed out to the Examiner that lines 1-4 of paragraph 0032 describe the

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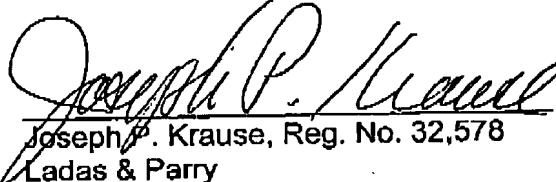
contents of storage device 222 as being "terrain data" and that the "terrain data" in storage device 222 is described in the paragraph as a database of information on the elevation of terrain points. It was also pointed out to the Examiner that the last four lines of paragraph 0032 clearly state that the "terrain data" in storage device 222 "can also include climatic information as well." Thus, paragraph 0032 makes it clear that the "terrain data" recited in the claims can include both elevation data and climatic data.

Assuming, *arguendo*, that the species election requirement was proper the amendment to claim 8 traverses the species election requirement.

In the event that the Examiner maintains the species election requirement, the applicant elects species I, with traverse. Claims 1-8 and claims 10-28 are believed to read on species I.

Respectfully submitted,

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